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DATE: August 11, 2005

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COMPANY: U.S. PATENT AND TRADEMARK OFFICE

FAX NO.: (703) 746-4000

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FROM: Pat DiGregorio (Cantor Colburn LLP)

OUR REF: GEM-0030 (124509)

YOUR REF: USSN 10/707,072

TOTAL NUMBER OF PAGES SENT
(INCLUDING THIS COVER SHEET): 5

COMMENTS: TO WHOM IT MAY CONCERN:

Please find enclosed the Base Issue Fee and Publication Fee Transmittal Form for U.S. Serial No. 10/707,072. Also find a enclosed a "FEE ADDRESS" INDICATION FORM (1 page) and "COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE" (2 pages).

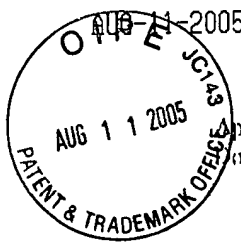
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P. 04

Appl. No. 10/707,072
Docket No. 124509 / GEM-0030

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/707,072 : Confirmation No.: 1071
Applicant: Thomas Penn : Group Art Unit: 2832
Filed: November 19, 2003 : Examiner: Barrera, Ramon M.
Docket No.: 124509 / GEM-0030 :

For: CRYOGEN PRESSURE VESSEL ASSEMBLY FOR SUPERCONDUCTING
MAGNETS

August 10, 2005

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P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

Provided herewith are comments on the Examiner's Statement of Reasons for
Allowance presented in the Notice of Allowance dated May 19, 2005.

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Patricia DiGregorio
Name

Patricia DiGregorio
Signature

August 11, 2005
Date

Appl. No. 10/707,072
Docket No. 124509 / GEM-0030

The Examiner remarks in Paper No. 20050222, page 3, that Laskaris, the closest prior art of record, failed to teach or disclose "*a second pair of coil former walls extending radially outward about a perimeter of said second cylindrical shell*".

While Applicant agrees that presented claims pertain to allowable subject matter, Applicant respectfully submits that to the extent that the Examiner's remarks suggest or state that certain limitations or combinations not found in the prior art are present in each and every allowable claim, whether or not specific language to that effect is found in every allowable claim, the record as a whole must be considered in addition to the Examiner's remarks, and, to the extent that the record as a whole is clear and complete, it shall control the interpretation of any and all allowable claims.

More specifically, the Examiner's statement of reasons implies that features found in the specification only, in the dependent claims only, or in some but not all independent claims only, are part of all of the allowable claims, when in fact the record clearly reflects that there are claims not so limited. For example, elements may be found in one claim but not in another. Accordingly, the other claims, and claims dependent from the other claims that do not recite the same as the one claim, are not so limited. More specifically, allowed independent Claims 1, 16, 20, 23, 26 and 29 do not recite "*a second pair of coil former walls extending radially outward about a perimeter of said second cylindrical shell*". Accordingly, these claims, and claims dependent from these claims that do not recite the same, are not so limited.

Respectfully submitted,

CANTOR COLBURN LLP

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